

**HOUSE OF REPRESENTATIVES**  
**Roll Call**  
**JUDICIARY COMMITTEE**

DATE: 2/19/07

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
REP. RON STOKER, VICE CHAIR	/	
REP. DAVE GALLIK, VICE CHAIR	/	
REP. JULIE FRENCH	/	
REP. GEORGE EVERETT	/	
REP. HOLLY RASER	/	
REP. ROGER KOOPMAN	/	
REP. DOUGLAS CORDIER	/	
REP. KRAYTON KERNS	/	
REP. ROBYN DRISCOLL	/	
REP. KEN PETERSON	/	
REP. JESSE O'HARA	/	
REP. TOM MCGILLVRAY	/	
REP. DEBORAH KOTTEL	/	
REP. JOHN WARD		/
REP. BOB EBINGER	/	
REP. RICK JORE	/	
CHAIRMAN DIANE RICE	/	



## HOUSE STANDING COMMITTEE REPORT

February 19, 2007

Page 1 of 2

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 491** (first reading copy -- white) do pass as amended.

Signed:

*Diane Rice*  
Representative Diane Rice, Chair

And, that such amendments read:

1. Title, line 4.

**Strike:** the second "A"

**Insert:** "CERTAIN"

**Strike:** "WITNESS"

**Insert:** "WITNESSES"

2. Page 1, line 14.

**Strike:** "be precluded from serving"

**Insert:** "serve"

3. Page 1, line 15.

**Strike:** "12"

**Insert:** ":"

(a) 13

4. Page 1, line 16.

**Following:** "offense"

**Insert:** "; or"

(b) up to 18 years of age or younger at the time that the individual is called as a witness in a criminal proceeding involving a sexual or violent offense and who is an individual with a developmental disability, as defined in 53-20-102"

5. Page 1, line 24.

**Following:** "prosecution" in two places

**Insert:** "or defense" in two places

**Committee Vote:**

Yes 15, No 2

Fiscal Note Required \_\_\_\_

371715SC.hjd

*john*  
2/20/07

6. Page 1, lines 27 and 28.

**Strike:** "least" on line 27 through "testify" on line 28

**Insert:** "the omnibus hearing"

7. Page 2, lines 2 and 3.

**Strike:** "[section 1] within 7 days of the filing of the motion"

**Insert:** "[section 2]"

8. Page 2, line 4.

**Following:** "prosecution"

**Insert:** ", if the prosecution made the motion pursuant to [section 2(1)], or the defense, if the defense made the motion pursuant to [section 2(1)],"

9. Page 2, line 5.

**Strike:** "2"

**Insert:** "4"

10. Page 2, line 23.

**Following:** "evidence"

**Insert:** "of statements by the child witness"

11. Page 2.

**Following:** line 29

**Insert:** "(6) In the case of a child witness, as defined in [section 1(2)(b)], who is more than 13 years of age, the court shall find, as a condition precedent to making an order pursuant to [section 4], that the child witness possesses a mental state of a child 13 years of age or younger."

12. Page 3, line 27.

**Following:** "."

**Insert:** "The court may consider an individual's interest in the outcome of the criminal proceeding in which the child will testify in deciding whether that individual may serve as an adult attendant."

- END -



## HOUSE STANDING COMMITTEE REPORT

February 20, 2007

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 597** (first reading copy -- white) do pass as amended.

Signed: \_\_\_\_\_

*Diane Rice*  
Representative Diane Rice, Chair

And, that such amendments read:

1. Page 2, line 16.

**Strike:** "45-8-208"

**Insert:** "45-8-207"

- END -

**Committee Vote:**

**Yes 10, No 7**

Fiscal Note Required \_\_\_\_\_

380939SC.hjd

*jbr*  
2/20/07

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 2/19/07 BILL NO 491 MOTION NO. 3  
 MOTION: paragraph 2

<u>NAME</u>	AYE	NO	If Proxy Vote, check here and include signed Proxy Form with minutes.
REP. RON STOKER, VICE CHAIR	/		
REP. DAVE GALLIK, VICE CHAIR	/		
REP. JULIE FRENCH	/		
REP. GEORGE EVERETT		/	
REP. HOLLY RASER	/		
REP. ROGER KOOPMAN		/	
REP. DOUGLAS CORDIER	/		
REP. KRAYTON KERNS		/	
REP. ROBYN DRISCOLL	/		
REP. KEN PETERSON	/		
REP. JESSE O'HARA		/	
REP. TOM MCGILLVRAY		/	
REP. DEBORAH KOTTEL	/		
REP. JOHN WARD		/	/
REP. BOB EBINGER	/		
REP. RICK JORE		/	
CHAIRMAN DIANE RICE		/	

9/8

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 2/19/07 BILL NO 441 MOTION NO. ~~32~~ 16  
 MOTION: Proposed Detention Amended

NAME	AYE	NO	If Proxy Vote, check here and include signed Proxy Form with minutes.
REP. RON STOKER, VICE CHAIR	/		
REP. DAVE GALLIK, VICE CHAIR	/		
REP. JULIE FRENCH	/		
REP. GEORGE EVERETT	/		
REP. HOLLY RASER	/		
REP. ROGER KOOPMAN	/		
REP. DOUGLAS CORDIER	/		
REP. KRAYTON KERNS	/		
REP. ROBYN DRISCOLL	/		
REP. KEN PETERSON	/		
REP. JESSE O'HARA	/		
REP. TOM MCGILLVRAY	/		
REP. DEBORAH KOTTEL	/		
REP. JOHN WARD	/		/
REP. BOB EBINGER	/		
REP. RICK JORE	<del>/</del>	/	
CHAIRMAN DIANE RICE		/	

15 / 2

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 2/19/07 BILL NO 597 MOTION NO. 5  
MOTION: Porter As Amended

<u>NAME</u>	AYE	NO	If Proxy Vote, check here and include signed Proxy Form with minutes.
REP. RON STOKER, VICE CHAIR	/		
REP. DAVE GALLIK, VICE CHAIR		/	
REP. JULIE FRENCH		/	
REP. GEORGE EVERETT	/		
REP. HOLLY RASER		/	
REP. ROGER KOOPMAN	/		
REP. DOUGLAS CORDIER	/		
REP. KRAYTON KERNS	/		
REP. ROBYN DRISCOLL		/	
REP. KEN PETERSON	/		/
REP. JESSE O'HARA	/		
REP. TOM MCGILLVRAY	/		
REP. DEBORAH KOTTEL		/	/
REP. JOHN WARD	/		/
REP. BOB EBINGER		/	
REP. RICK JORE	/		
CHAIRMAN DIANE RICE		/	

10  
7

# AUTHORIZED COMMITTEE PROXY

I request to be excused from the House  
JUDICIARY

Committee because of other commitments I desire to leave my proxy vote with:

Ran Sten

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
2/21/07 HB 38	X	
HB 196		X
8/9 HB 698		X
9/8 HB 710	X	
HB 683-A	X	
HB 340 + Aye	X	
Rand Sec 2		X
HB 340	X	
HB 549 234 Aye	X	
CONC Amend		X
HB 549 + A	X	

BILL/AMENDMENT	AYE	NO
2/21/07 HB 491 (2) amend	X	
HB 491 (1) amend	X	
HB 491 (2,3,4) amend	X	
HB 491 (1) amend	X	
HB 491 (2,3,4) amend	X	
HB 491 (1/2 page) amend	X	
HB 491 (delete) amend	X	
HB 491 do not delete	X	
HB 597 do not delete		X
HB 597 amend		
HB 597 do not delete	X	

Rep.

John Hard  
(Signature)

Date \_\_\_\_\_



**AUTHORIZED  
COMMITTEE PROXY**

I request to be excused from the

Committee because of other commitments. I desire to leave my proxy vote with:

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

**BILL/AMENDMENT**

AYE NO

**BILL/AMENDMENT**

AYE NO

2-19-07

[illegible][illegible]

Rep.

Rep. Nabeen J Kothal  
(Signature)

Date \_\_\_\_\_

Ken Peterson

# AUTHORIZED COMMITTEE PROXY

I request to be excused from the

House Judiciary

Committee because of other commitments. I desire to leave my proxy vote with:

[Signature]

Rep McGillion

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

BILL/AMENDMENT

AYE NO

AB 597	✓	
<del>AB 597</del>		
<del>McGillion amendment</del>		
<del>Bill amendment</del>		
Galic Amendment		✓
McGillion amendment	✓	


Rep.

[Signature]

(Signature)

Date 2-19-07

**Montana House of Representatives  
Visitors' Register**

Judiciary

COMMITTEE

Date 2/19/07

Bill Nos. 645, 648, 653, HJ 25, 712 Sponsor(s) Peterson, Ward, Nealpin, Rice, Jore  
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Name	Representing	Bill No.	Support	Oppose	Info.
Aren HELGERSON	DPHHS	645			X
Cliff Christian	Self	653	X		
Baron Stang	MANICA	648	X		
Olivia Binter	WEBL	645		X	
Sick Paulsen	Am. Lung Assn	653	X		
Deborah Smith	ACLU of MT	645		X	
Allyson Hagen	NARA Producers MT	645		X	
Lynn Stumberg	Eagle Farm	HJ25	X		
Nanette Gilbertson	American Cancer Society	HB653	X		
Don Judge	Teamsters Local 190	HJ25	X		
Jason Todhunter	MT Logging Assn	HB648	X		
Gail Abercrombie	MT Contractors Assn	HB648	X		
A Smith	MTLA	HB648		X	
IVETTE BROWN	MT CHAMBER	HB648	X		
Beth Breuneman	MT Advocacy Program	HB645		X	
Pat Torgerson	WIFE	HB712	X		
A Smith	MTLA	HJ25	X		
Pat Torgerson	WIFE	HJ25	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.